

Counsel listed on the following page.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT
SAN FRANCISCO DIVISION

PETER WRIGHT and MICHELLE
TRAME, individually, on behalf of all
others similarly situated, and on behalf of
the general public,

Plaintiffs,

vs.

ADVENTURES ROLLING CROSS
COUNTRY, INC., dba ADVENTURES
CROSS COUNTRY (ARCC), a California
Corporation, SCOTT VON ESCHEN, and
DOES 1 through 50 inclusive,

Defendants.

Case No. 3:12-cv-00982-EMC

**JOINT STIPULATION TO CONTINUE
HEARING ON PLAINTIFFS' MOTION
FOR CLASS CERTIFICATION;
[PROPOSED ORDER]**

Judge: Edward M. Chen
Ctrm: 5, 17th Floor

Current Hearing Date:
June 27, 2013, 1:30 p.m.

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1 TO THE COURT:

2 Plaintiffs PETER WRIGHT and MICHELLE TRAME (“Plaintiffs”) and Defendants
3 ADVENTURES ROLLING CROSS COUNTRY, INC., and SCOTT VON ESCHEN
4 (“Defendants”), by and through their respective counsel of record, herein agree and stipulate as
5 follows:

6 **RECITALS**

7 1. Plaintiffs filed their Motion for Class Certification May 22, 2013. The court-
8 ordered deadline for Defendants to file an Opposition or Response to the Motion is June 5, 2013.
9 See ECF Document 127.

10 2. Defendants make the following representations as the basis for their request to
11 postpone the hearing and the opposition deadline:

- 12 • Due to other previously-scheduled meetings and appearances, Defendants’ counsel of
13 record is not available until approximately May 30, 2013, and thus unable to devote the
14 necessary time and attention to Defendants’ Opposition until May 30, 2013.
- 15 • The busiest time of year for Adventures-Rolling Cross Country (ARCC) is from May to
16 August, when ARCC staff trains their Trip Leaders, prepares the Trip Leaders for the
17 international and domestic trips, frequently communicates with the Trip Leaders while
18 they are leading the trips, and conducts a three-day post-trip debriefing upon the Leaders’
19 return in the months of July and August.
- 20 • The President of Adventures-Rolling Cross Country, Defendant Scott von Eschen, will be
21 out of the office with limited email and telephone access from May 29, 2013 to June 7,
22 2013. Thereafter, Mr. von Eschen must lead and participate in staff training and
23 preparation days for ARCC’s Trip Leaders until approximately June 21, 2013, during
24 which time he will not be readily available via email or telephone, nor will Mr. von
25 Eschen have internet access. It is expected that Mr. von Eschen will participate in the
26 strategy and decisions in the development of Defendants’ Opposition, and thus be
27 available to Defendants’ counsel.

28 3. For the foregoing reasons, Defendants request a brief three-week continuance of

1 the hearing on Plaintiffs' Motion for Class Certification and the deadline to file their response to
2 the Motion.

3 4. Plaintiffs will not oppose Defendants' request based upon Defendants'
4 representation that this will be the only extension request and that this matter will be submitted
5 not later than July 18, 2013.

6 5. Plaintiffs further will not oppose Defendants' request based upon the
7 understanding that the statute of limitations under 29 U.S.C. §216(b) remains tolled, pursuant to
8 the parties' prior stipulation, such that putative FLSA class members are not prejudiced by the
9 brief delay.

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11 **STIPULATION**

12 NOW, THEREFORE, based upon the foregoing representations and agreements, Plaintiffs
13 and Defendants hereby agree and stipulate as follows, subject to Court approval, that the hearing
14 on Plaintiffs' Motion for Class Certification set for June 27, 2013 be vacated and continued to
15 ²⁵
July 18, 2013 at 1:30 p.m.

16 Defendants' Opposition and Response to Plaintiffs' Motion for Class Certification is due
17 **July 3, 2013**. Plaintiff's Reply is due July 10, 2013.

18 IT IS SO STIPULATED:
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1 Dated: May 30, 2013

HIRSCHFELD KRAEMER LLP

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3 By: /s/ Kristin L. Oliveira

Reed E. Schaper

Kristin L. Oliveira

Attorneys for Defendants

ADVENTURES ROLLING CROSS

COUNTRY, INC., dba ADVENTURES

CROSS COUNTRY (ARCC) and SCOTT

VON ESCHEN

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8 Dated: May 30, 2013

BRYAN SCHWARTZ LAW

RUDY EXELROD ZIEFF & LOWE, LLP

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11 By: /s/ Bryan Schwartz

Bryan J. Schwartz

Attorneys for Plaintiffs

PETER WRIGHT and MICHELLE TRAME

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[PROPOSED] ORDER

Pursuant to the parties' Joint Stipulation, it is so ordered that the hearing on Plaintiffs' Motion for Class Certification is re-scheduled from June 27, 2013 to **July 18, 2013** at 1:30 p.m.

Defendants' response to Plaintiffs' Motion for Class Certification is due by **July 3, 2013**. Plaintiffs' reply is due by **July 10, 2013**.

Dated: May 31, 2013

